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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

HOWARD JAMES, individually and as
representative of other similarly situated
aggrieved individuals,

Plaintiff,

vs.

URBAN ALCHEMY and DOES 1 through 50,
inclusive

Defendants.

Case No.: 22STCV09280

**COMPLAINT FOR VIOLATION OF
THE LABOR CODE PRIVATE
ATTORNEYS GENERAL ACT OF 2004
(CAL. LABOR CODE § 2698 *et seq.*)
AND FOR INJUNCTIVE RELIEF**

1 1. Plaintiff Howard James, on behalf of himself and other current and former hourly
2 employees employed in non-exempt positions such as “Practitioners”, “Security Guards”, and
3 “Alchemists” by Urban Alchemy who worked, or are working, in California, (hereafter
4 “Aggrieved Workers”) alleges as follows:

5 **INTRODUCTION**

6 2. This is an action for recovery of penalties under the California Labor Code Private
7 Attorneys General Act of 2004 (“PAGA”), Cal. Lab. Code Section 2698, et seq. PAGA Permits
8 an “aggrieved employee” to bring a lawsuit on behalf of himself or himself and other current and
9 former employees to address an employer’s violation of the California Labor Code. Defendants
10 here violated California Labor Code Section 1198 and Wage Order 7-2001, Section 14, by a)
11 failing to provide suitable seats to Plaintiff and other current and former Aggrieved Workers, and
12 b) failing to provide employee and personnel records upon request. Plaintiff seeks penalties on
13 behalf of himself and other current and former Aggrieved Workers of Defendants as provided
14 herein. This is not a class action.

15 3. Plaintiff, Howard James, is an individual residing in the State of California.

16 4. Plaintiff, Howard James, is employed by Defendants as an hourly paid non-exempt worker
17 in the County of Los Angeles, California at all times referenced in this complaint. Howard James
18 regularly performed the non-exempt job functions expected by his employer such as monitoring
19 and cleaning sanitation facilities at/around homeless areas.

20 5. Defendants operate at locations in both northern California and southern California. Based
21 on information and belief, Defendants’ operations throughout California are generally similar and,
22 specifically, the job functions for Plaintiff and other Aggrieved Workers allow for the use of a
23 suitable stool or seat. There is nothing in the activities performed by Plaintiff and other Aggrieved
24 Workers which would preclude the use of seats.

25 6. Plaintiff does not know the names of those Defendants sued as DOES 1 through 50, but
26 will amend this complaint when they learn those names. Plaintiff alleges on information and belief
27 that each of the DOE Defendants is the agent, representative, successor, affiliate, officer, director,
28

1 employee, co-conspirator, or alter ego of each of the other Defendants and is in some manner
2 responsible for the wrongdoing alleged herein.

3 7. Venue is proper in this judicial district because at least some of the alleged wrongdoing
4 occurred in this judicial district.

5 8. Wage Order 7-2001, which covers businesses in the “mercantile industry”, such as Urban
6 Alchemy, states: “All working employees shall be provided with suitable seats when the nature of
7 the work reasonably permits the use of seats.” *Id.*, Section 14(a). Defendants have failed to provide
8 Aggrieved Workers, including Plaintiff, with seats, despite the fact that the nature of Aggrieved
9 Workers work reasonably permits the use of seats.

10 **FIRST CAUSE OF ACTION**

11 (Violation of PAGA)

12 9. Plaintiff incorporates by reference the allegations set forth above.

13 10. California Labor Code Section 1198 makes it illegal to employ an employee under
14 conditions of labor that are prohibited by the applicable wage order. By having failed to provide
15 and by continuing to fail to provide Plaintiff and the other Aggrieved Workers with seats, in
16 violation of Wage Order 7-2001, Section 14(A) and 14(B), Defendants violated Lab. Code Section
17 1198.

18 11. PAGA permits an “aggrieved employee” to recover penalties on behalf of himself or
19 herself and other current or former employees as a result of the employer’s violations of certain
20 sections of the California Labor Code. Plaintiff is an aggrieved employee, in that he was employed
21 by Defendants and was not provided with a seat, in violation of Lab. Code Section 1198 and Wage
22 Order 7-2001, Section 14(A) and 14(B). A violation of Lab. Code Section 1198 gives rise to a
23 private right of action under PAGA. Plaintiff brings this PAGA action on behalf of himself and
24 other current or former Aggrieved Workers working for Defendants in California.

25 12. As well, Plaintiff is an aggrieved employee in that he repeatedly requested, in writing, that
26 Defendants provide Plaintiff’s employment and personnel records pursuant to Labor Code sections
27 226(a and b), 432, 1174, 1198.5, 2810.5, and Section 7 of the applicable Wage Order. Despite
28 multiple written requests Defendant refused – and continues to refuse – to provide such records to

1 Plaintiff. A violation of the aforementioned Labor Code provisions gives rise to a private right of
2 action under PAGA. Plaintiff brings this PAGA action on behalf of himself and other current or
3 former Aggrieved Workers working for Defendants in California.

4 13. Plaintiff has complied with the PAGA notice provision set forth in Cal. Lab. Code Section
5 2699.3(a)(1) by sending a certified letter to the Labor Workforce Development Agency (LWDA)
6 and to Defendant, Urban Alchemy, notifying them of the intention of Howard James to seek
7 penalties against Urban Alchemy for the Labor Code violations alleged herein.

8 14. Plaintiff requests penalties against Defendants as provided under Lab. Code Section
9 2699(f), plus reasonable attorneys' fees and costs, in amounts to be proved at trial.

10 **SECOND CAUSE OF ACTION**

11 (Civil Code §§3420-3422; CCP §525, 526)

12 15. Plaintiff incorporates by reference the allegations set forth above.

13 16. Defendants have failed to provide suitable seating to Aggrieved Workers and continue to
14 do so. The Wage Order requiring such seating addresses a concern for the working conditions,
15 health, and welfare of the Aggrieved Workers, and is remedial in nature.

16 17. By continuing and refusing to provide suitable seating, as described herein, Defendants
17 remain in violation of the Wage Order, for which the civil penalties provided do not provide a full
18 and adequate remedy.

19 18. Plaintiff is an employee of Defendants and is adversely impacted by Defendants' failure to
20 comply with the California Wage Order at the time of this complaint, and is the proper party to
21 seek injunctive relief, as are many other current employees working as Aggrieved Workers for
22 Defendants in California.

23 **PRAYER**

24 19. WHEREFORE, Plaintiff requests entry of judgment, on behalf of himself and the other
25 employees working as Aggrieved Workers in California, against Defendants jointly and severally
26 as follows:

- 27 1. Civil penalties pursuant to the violations of the California Labor Code sections
28 alleged herein;

2. For reasonable attorneys' fees and costs of suit;
3. For injunctive relief directing that Urban Alchemy and Does 1-50 provide its crew members with appropriate seats; and
4. For such relief that the Court deems proper.

Dated: March 16, 2022

RIGHETTI GLUGOSKI, P.C.

By: 
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